

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

AKOLOURTHEO, LLC,

Plaintiff,

v.

SYSTEM SOFT TECHNOLOGIES, INC.

Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO.: 4:20-cv-985

JURY TRIAL DEMANDED

DECLARATION OF TRENT W. REXING

1. My name is Trent W. Rexing. I am over the age of 21. I have never been convicted of a felony, and I have personal knowledge of the facts contained herein, which are true and correct. If called as a witness, I could competently testify to these statements.

2. I am licensed to practice law in the state of Texas, I am a partner with the law firm of Mayer LLP, and I represent the Defendant in the above-captioned lawsuit.

3. Defendant's failure to timely file an Answer (including counter-claims) after the Court's overruling of Defendant's second Rule 12 motion-to-strike was not intentional. Rather, it was a mistake which resulted from a rotation in case staffing which coincided during the period the ruling on Defendant's second Rule 12 motion was pending and then issued.

4. Additionally, in a communication between Counsel for Plaintiff and Counsel for Defendant, Defendant was informed that Plaintiff will move to strike Defendant's late answer and request that the Court place Defendant in default, thus seeking a default judgment. Therefore Defendant has preemptively requested leave from this Court to file Defendant's Answer to Plaintiff's Amended Complaint.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 9, 2021.



Trent W. Rexing